

BEFORE THE
Federal Communications Commission

WASHINGTON, D.C. 20554

ORIGINAL

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FEDERAL COMMUNICATIONS
COMMISSION
OFFICE OF THE
SECRETARY

IN THE MATTER OF

THE USE OF N11 CODES AND OTHER
ABBREVIATED DIALING ARRANGEMENTS

CC DOCKET NO. 92-105

TO: THE COMMISSION

**ORIGINAL
FILE**

**REPLY COMMENTS OF
FIRST FINANCIAL MANAGEMENT CORPORATION**

I. INTRODUCTION

On May 6, 1992, the Commission solicited comments regarding the allocation and use of currently unassigned "N11" access codes for abbreviated dialing by enhanced service providers ("ESPs").^{1/} On June 5, 1992, fourteen parties submitted comments both for and against the allocation of N11 codes to ESPs and voiced strong disagreement over the proper allocation methods.

First Financial Management Corporation ("FFMC") urges the FCC to exercise its authority to consider the allocation of N11 access codes for use by ESPs. The FCC should act with caution, however, to assure an equitable and consistent means of distribution, and to avoid the creation of a potentially discriminatory and wasteful selection process. In particular, FFMC opposes the use of a "first-come, first-served" selection

^{1/} The Use of N11 Codes and Other Abbreviated Dialing Arrangements, CC Docket No. 92-105, Notice of Proposed Rulemaking, FCC 92-203, released May 5, 1992 ("Notice").

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process because it would disserve the public interest by allocating scarce and valuable public resources on an inequitable basis.

II. FIRST FINANCIAL MANAGEMENT CORPORATION IS A DIVERSIFIED INFORMATION SERVICES COMPANY WITH A SUBSTANTIAL INTEREST IN THIS PROCEEDING

FFMC is a major information services company which offers a broad range of data processing and related services to a large and diverse customer base. With annual sales of more than \$1 billion, FFMC is a leader in processing transactions for financial institutions, providing data imaging, micrographics, electronic data base services, and debt collection, as well as health and pharmaceutical claims processing. It is one of the largest on-line merchant credit card processors in the country, offering electronic authorization, processing, and settlement services. FFMC also offers many specialized on-line services such as data capture applications and address verification for mail order merchants. FFMC provides its services to hundreds of financial institutions, retail merchants, utilities, governments, and other entities with information processing needs.

III. N11 ACCESS CODES OFFER ESPs A VALUABLE DIALING RESOURCE, BUT THE FCC SHOULD PROCEED CAUTIOUSLY TO ESTABLISH AN EQUITABLE, NON-DISCRIMINATORY SELECTION PROCESS THAT DOES NOT INCLUDE A "FIRST-COME, FIRST-SERVED" APPROACH

Based on its significant experience in the information services marketplace, FFMC believes that the provision of on-line enhanced services, such as financial transactions processing and

electronic data base management, can be substantially facilitated by the use of abbreviated dialing arrangements. Access codes such as N11 can give ESP customers a quick and easily-remembered means of reaching telephone-based information services, thereby aiding current customers and attracting new ones. As a result, growth in the information services will be spurred, to the benefit of ESPs, local exchange carriers ("LECs"), and the public. Given these substantial benefits, FFMC believes that the FCC should give serious consideration to using its "plenary jurisdiction over numbering plan issues" to act so that current N11 access codes are not left unused or underutilized, but are in fact assigned and used as soon as practicable.^{2/}

Nonetheless, the FCC should proceed cautiously. As a dialing arrangement with extremely limited availability nationally, N11 access codes could be very valuable resources which confer substantial competitive advantages on those few companies that manage to acquire their use for customer access. Under these circumstances, the FCC should endeavor to select an allocation method which does not discriminate against any applicant and which assures equitable distribution. If such a method cannot be used at this time, then the FCC should wait until such time as a method for equitable distribution becomes

^{2/} Notice at para. 8. FFMC agrees with the majority of commenters that the FCC, not Bellcore or the LECs, should be responsible for assigning N11 codes in a uniform and non-discriminatory manner. See, e.g., Cox Enterprises Comments at 8-9; Ameritech Comments at 14-16; US West Comments at 19; Sprint Comments at 7-8; NAA Comments at 3 n.4; Datatrex Comments at 2.

technically feasible before proceeding with the assignment of these valuable access codes. Similarly, the FCC also should investigate and, if viable, mandate other alternative means of abbreviated access to LECs' networks.^{3/} In particular, the rapid development and use of "NXX" in conjunction with "*" and "*" may offer a greatly expanded universe of available access options, thereby allowing for the equitable distribution of abbreviated access codes among ESPs. This result would, of course, considerably benefit both ESPs and consumers alike.

Regardless, however, the "first-come, first-served" selection approach advocated originally by Cox Enterprises,^{4/} and supported by only one other commenter,^{5/} should not be adopted by the FCC. A first-come, first-served approach presents serious equity problems, such as potentially giving LECs a substantial and unfair advantage at the head of the list, discriminating against newer ESPs, and allowing ESPs "already in line" to sell or transfer their codes or use them to block competing ESPs from acquiring a code.^{6/} Indeed, as the initial

^{3/} See, e.g., ITAA Comments at 8-9; US West Comments at 11-15; Pacific Bell Comments at 18-20; Rochester Telephone at 5-6.

^{4/} Comments of Cox Enterprises at 11-21.

^{5/} Comments of Alternative Weekly Newspapers at 4-6. NAA, while taking no formal position, deems use of a first-come, first-served approach "proper." Comments of Newspaper Association of America at 4.

^{6/} Cox Enterprise's claim that a first-come, first-served approach is required because it is the traditional basis of common carriage should be rejected. See Cox Comments at 12-14. Cox's argument ignores the scarcity of the N11 resource and the
(continued...)

comments indicate, the race for N11 access codes has already begun; many entities already have requested allocation of N11 codes from LECs well in advance of the start of any allocation process.¹⁷ Thus, demand already exceeds supply, and determining which company made a particular request before another company -- and whether those anticipatory requests, submitted before the conclusion of this proceeding, should be honored at all -- will be a fruitless endeavor likely to end in confusion, charges of unfairness, and litigation.

Thus, a first-come, first-served approach is an inequitable means of allocating a scarce public resource. Rather than adopting Cox Enterprise's proposal, the Commission should take direct responsibility for N11 code allocation and solicit additional comments on specific allocation mechanisms to be used which will assure a uniform and equitable ESP selection process.

IV. CONCLUSION

For the reasons discussed above, FFMC supports the FCC's direct role in administering an N11 access code distribution program. FFMC urges the Commission to proceed cautiously,

¹⁶ (...continued)

large number of potential customers which will be denied service no matter what allocation scheme is used. Common carriage requires the offering of a basic service to all, which simply cannot be squared with allocating an unusually scarce resource such as N11 access codes.

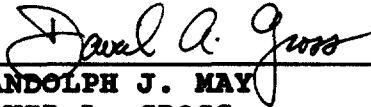
¹⁷ See, e.g., Ameritech Comments at 7 (11 ESP requests); Bell Atlantic Comments at 2 (8 ESP requests); GTE Comments at 7 n.11 (4 ESP requests).

however, and to reject those proposed allocation mechanisms, such as first-come, first-served, which do not ensure an equitable, consistent, and non-discriminatory allocation of a scarce and valuable public resource such as N11 access.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I, M. Inez Jubien, do hereby certify that true and correct copies of the foregoing document, "Reply Comments Of First Financial Management Corporation," filed in the matter of The Use Of N11 Codes And Other Abbreviated Dialing Arrangements in CC Docket No. 92-105, were served by hand delivery or First Class United States Mail, postage prepaid, this 13th day of July 1992, on the following:

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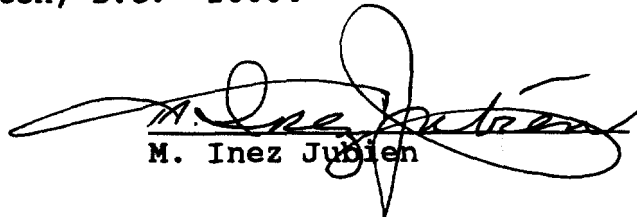
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